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IN treating on the Subject of the Prerogative, I propoſed to ſhew what the Power of the Crown was anciently, and to compare it with what it is at preſent*; and this I did in order to make it appear beyond all doubt, how much preferable our modern Conſtitution is to our ancient; that under the one we could hardly deſerve the Name of a free People, while under the other we enjoy all the Liberty that is conſiſtent with the Good of Society, or that the Nature of civil Government will admit of.

IT was ſaid in the *Craftſman, that the Power of the Crown, which has been lately created by our Debts and Taxes, was abſolutely unknown to our ancient Conſtitution, even in thoſe Times when Monarchy and Prerogative were carried to the greateſt Height*; the Meaning of which muſt be, according to the plain and obvious Senſe of the Words, that our Debts and Taxes have given a greater Power to the Crown at this Day, than it ever enjoyed by its moſt extenſive Prerogatives heretofore. In order to ſhew that this Aſſertion is intirely without Foundation, I thought it neceſſary, firſt to ſtate what the Prerogatives of the Crown were under our *old Conſtitution*, before I proceeded to take notice of what they are now; and therefore, I ſuppoſe, the Gentleman miſtook my Deſign, when he ſaid, as he has done in the laſt *Craftſman, that I have enumerated thoſe only which are aboliſhed, without taking any Notice of thoſe which are ſtill in force*; for I mention'd it to be my Intention, to ſhew what Powers are veſted in the Crown at preſent, in ſome ſubſequent Papers on this Subject.

IN my laſt, I went through ſome of the ancient Prerogatives of the Crown; but principally ſuch as are comprized in the Statute of the 17th Year of *Edward* II. which Statute was however only declaratory of the common Law, and gave the Crown no new Powers, but contains only a Recital of thoſe, or rather Part of thoſe, which the Kings of *England* had been in Poſſeſſion of from the firſt Foundation of our Monarchy.

I ſhall now proceed to give a curſory View of the further Prerogatives of the Crown, I mean ſuch as it ſtood poſſeſſed of under our *ancient Conſtitution*, and I believe they will be found ſo great, ſo various, and ſo extenſive, that it will be no eaſy thing to conceive what Liberties the People could have, when ſo many Powers were veſted in the Prince.

I queſtion whether I ſhould go too far, if I were to ſay, that under our *ancient Conſtitution*, all the Subjects of *England*, of what Degree or Quality ſoever, were conſidered only as Vaſſals to the Crown; for the King had, in many Inſtances, a Sovereign Prerogative over the Lives, Liberties, and Properties of his Subjects, which was not to be diſputed or controul'd.

IT is ſaid by the Lord *Coke*, in *Calvin*'s Caſe, that the Subject was obliged, by his Allegiance, to follow the King to his Wars; and that the King might ſend any Man into his Service beyond the Seas, either to ſerve in his Army or in any other Employment as he ſhould think fit; and Men were frequently preſſed to ſerve in foreign Wars; as in the Time of *Edward* the Third, *Engliſhmen* were preſſed to ſerve in *Gaſcoyne* with the Duke of *Lancaſter*; in the Time of *Henry* the Fourth, they were preſſed to ſerve in *Ireland* under the Duke of *Glouceſter* and the Lord *Knolles*; and in the Time of *Henry* the Sixth, they were preſſed to ſerve in *Guyan*, and likewiſe in *Gaſcoyn* with the Earl of *Huntington*; and on divers other Occaſions. And it appears by our Law Books, that there was a *forinſecum Servitium*, which *Bracton*, a very ancient Writer, calls *regale Servitium*, and imports no more than that every Man might be compelled to ſerve the King in his Wars abroad, whenever he ſhould have occaſion for his Service.

AND this was not only by reaſon of his Tenure, by which he held Lands of the King, under ſuch particular Limitations and Conditions; but it was by virtue of the Allegiance that every Subject ſwore to his Prince, and that Sovereign Power and Authority which the Laws of *England* veſted in the Crown. And it is laid down in the old Law Books, that no Act can bind the King from any Prerogative which is inſeparable to his Perſon, but that he may diſpenſe with it by a *non obſtante*; as a ſovereign Power to command any of his Subjects to ſerve him for the publick Good, (of which he himſelf was the ſole Judge) and this Power to command the Services of his Subjects, is (as the Law Books ſay) ſolely and inſeparably annexed to his Perſon, and cannot be reſtrained by any Act of Parliament.

FOR Inſtance; there was a Statute made in the 23d Year of *Henry* VI. by which it was provided, 'That 'all Patents, made or to be made, of any Office of a 'Sheriff, &c. for Term of Years, for Life, in Fee 'Simple, or in Tail, are void and of no Effect, any 'Clauſe or Parol *de non obſtante*, put, or to be put into 'ſuch Patents to be made, notwithſtanding; and further, 'whoſoever ſhall take upon him or them to accept or 'occupy ſuch Office of Sheriff, by virtue of ſuch 'Grants or Patents, ſhall ſtand perpetually diſabled to 'be or bear the Office of Sheriff within any County of '*England* by the ſame Authority.'

THE Lord *Coke*, in citing of this Clauſe in this Act of Parliament, obſerves, *That tho' the Patent is thereby made void, and the King reſtrained to grant a* non obſtante, *and the Grantee diſabled to take the Office, yet that the King by his Royal Sovereign Power of Commanding, may command by his Patent (for ſuch Cauſes as he in his Wiſdom doth think meet and profitable for himſelf and the Commonwealth, of which he himſelf is ſole Judge) to ſerve him and the Publick as Sheriff of ſuch a County for a Year, or for Life*, &c. and that it was ſo reſolved by all the Judges of *England*, in the *Exchequer* Chamber, in the ſecond Year of the Reign of *Henry* the Seventh.

THE ſame great Lawyer ſays, that the Royal Power to pardon Treaſons, Murders, Rapes, and other capital Offences, is a Prerogative incident ſolely and inſeparably to the Perſon of the King; and that notwithſtanding an Act of Parliament to make the Pardon of the King void, and to reſtrain the King from diſpencing with this by a *non obſtante*, and to diſable him to whom the Pardon is made, from taking or pleading it, yet ſuch Act ſhall not bind the King, but he may diſpence with it.

BY the Act of 13th of *Richard* the Second, it is expreſly provided, 'That in a Pardon, the Of-'fence committed ſhall be ſpecified, or otherwiſe not 'be allowed.' Yet notwithſtanding this Statute, it has been oftentimes adjudged, that the King might pardon Murder by general Words, without any expreſs Mention.

BY another Act of Parliament made in the 4th Year of *Henry* the Fourth, it is ordained, 'That no *Welſh-'man* be Juſtice, Chamberlain, Treaſurer, Sheriff, 'Steward, Conſtable of a Caſtle, Eſcheator, Coroner, 'or chief Foreſter, nor other Officer whatſoever, nor 'Keeper of Records, *&c.* in any Part of *Wales*, not-'withſtanding any Patent made to the contrary, with 'a Clauſe of *non obſtante licet ſit Wallicus natus*:' And yet the Lord *Coke* ſays, that it is no queſtion but the King might grant this with a *non obſtante*.

PURVEYANCE for the King and his Houſhold, was anciently conſidered likewiſe as a Prerogative incident ſolely and inſeparably to the Perſon of the King; and for this Reaſon, therefore, the Act of Parliament in the Time of *Henry* III. intitled, *De tallagio non concedendo*, which bars the King wholly of Purveyance, is ſaid to be void.

THERE is alſo another Statute made in the Time of *Henry* the Eighth, providing, 'That no Perſon ſhall 'be Juſtice of Aiſize, within any County where the ſaid 'Juſtice was born or doth inhabit, upon the Penalty of 'the forfeiture of an Hundred Pounds;' a very large Sum, and conſequently a very great Penalty in thoſe Days, and yet the King might formerly diſpence with this, by a ſpecial *non obſtante*, as an inſeparable Prerogative belonging to the King, that is, his Power of Commanding to ſerve, which extended over all Perſons and to all Places, as well abroad in foreign Countries, as within his own Dominions. Thus I think it clearly appears, that by our *ancient Conſtitution*, the Prerogative of the Crown was ſuperior even to an Act of Parliament; that it could limit, reſtrain, or annul ſuch Act of Parliament, but could not be limited, reſtrained, or anulled by it.

[*To be continued.*]

* *Gazetteer, 17 June*, 1736.

Dublin, June 29. We learn from Drogheda, that a few Days ago, a Gentleman of Diſtinction within five Miles of that Place, going to look at ſome Workmen in his Field, found them in the utmoſt Confuſion, having been ſtruck to the Ground, and very much ſcorched with Lightning that happened a little time before; upon which he returned to his Houſe, where two Servant Maids lay at the Door with their Skin cut in many Places as with a Knife; ſeveral Diſhes were melted on the Shelves, the Wainſcot of a whole Chamber intirely deſtroyed, and a Gun that was charged in the ſame Room broke in many Pieces.

Edinburgh, July 1. James Macrae, Eſq; who laſt Week arrived in Town from London, was born in Scotland; and is by all acknowledged a Gentleman of great Courage, Honour and Liberality. Anno 1720 he commanded the Ship Caſſandra in the Service of the Eaſt India Company, and will ever be famous for the gallant Defence he made in her, when attacked by two very formidable Pyrate Ships at the Iſland of St. Joanna, near Madagaſcar; when, after a moſt deſperate Engagement, in which many on both Sides were ſlain, he was taken. For his undaunted Bravery on this and other Occaſions, and faithful Services to the Company, he was made Governor of Fort St. George, where he acquired a handſome Eſtate with a fair Character, which he is now laying out in purchaſing Lands here. He lately preſented the City of Glaſgow with an Equeſtrian Statue of King William III. worth 1000 l. Sterling.

Northampton, July 5. On Tueſday was argued in the Court of King's Bench, the ſpecial Matter of the Verdict found in the Cauſe between John Stoughton of this Town, Plaintiff, and George Reynolds, Doctor of Laws, and Chancellor of the Dioceſe of Peterborough, Defendent; for that the Plaintiff being choſen Churchwarden of the Pariſh of All Saints in this Town, the Defendant refuſed to ſwear him into the ſaid Office. And after hearing Council on both Sides, the Court gave Judgment for the Plaintiff, and were all of Opinion, that the Adjournment by the Vicar and his Churchwarden was not good; that the Vicar, or Parſon, has no Authority to preſide at the Election of a Pariſh Churchwarden, more than any other Pariſhioner; that when he has choſen his own Churchwarden, his Power is determined; and that the Power of Adjourning muſt be in the whole Aſſembly.

Reading, July 5. On Sunday the 27th of June, a dreadful Fire happened at Farmer Hayters, at Stoke-Charity, in the County of Hants; occaſioned by one of the Servant's firing a Gun at ſome Jack Daws that was a Top of the Barn; the Paper that he put into the Piece, ſet Fire to the Thatch, which in a Quarter of an Hour, ſet Fire to four others, and deſtroyed them all, with three Sadle Horſes, and 6 fine Cart Horſes, 600 Quarters of Corn, and 100 lb. of Wool; and what was moſt Surprizing, the Wind being brisk, carried Part of the Thatch to another Barn half a Mile off, and burnt that with all the Corn in it, and a great Wood Pile. The whole Damage is computed at Two thouſand Pounds.

On Friday laſt Mr. Samuel Bleaſock, a Wholeſale Dealer in Linen Cloth, was unfortunately drowned, as he was waſhing himſelf in the Thames near this Town.

Glouceſter, July 5. We are informed, that on the 25th paſt there fell at the Speech Houſe, Little Dean, and Blakeney, a moſt terrible Storm of Rain and Hail, or rather a Cloud of Ice, accompanied with Thunder and Lightning; the Hail-ſtones being of ſuch a prodigious Size, that they reſembled Pieces of broken Ice, and did conſiderable Damage to the Corn, Fruit, &c.

And that on the 26th, they had a Storm of the like Nature at Biſley, which came with ſuch Rapidity, that in a few Minutes the Water roſe ſo high at the lower End of the Town, that the Inhabitants were obliged to betake themſelves to their Chambers for Safety: It did alſo great Damage to the Corn in the adjacent Fields.

We have the following melancholly Account from South-Wraxall in Wilts, viz. That on Tueſday laſt three Men of that Pariſh (two Brothers, and a Couſin) having undertaken to clean a Well, one of them went down to ſee in what Condition it was, and was no ſooner got towards the Bottom, but he cried out for Help; upon this his Brother went down to ſee what was the Matter, but he likewiſe called for Aſſiſtance; as did their

their Couſin, who went down laſt; and they were heard no more; after which, nobody caring to venture down, they were drawn up dead, and buried in one Grave, on the Thurſday following. What the Occaſion of their Deaths was, is as yet unknown, tho' 'tis generally believed they were ſuffocated.

LONDON.

Yeſterday arrived a Mail from France.

According to Letters of the 11th ult. O. S. from Corſica, Affairs there are in ſtatu quo, but Baſtia is not yet beſieg'd in form. The Gariſon of Algajola has made a Salley againſt the Rebels, with 300 Men, who took one Iron Cannon, ſix Muskets, two Piſtols, a Drum, a Cornet, and a Mattraſs, which they return'd with in Triumph, and thereupon caus'd Te Deum to be ſung. 'Tis to be preſum'd, that the Rebels will content themſelves, for the preſent, with Skirmiſhing, and keeping the chief Places well block'd up, till they have ſecur'd their Harveſt. Theodore was advanc'd to Calingana, two Leagues from Calvi, which was only defended by the Country People, and therefore ſoon like to fall a Prey to him. In fine, he ſtill goes forward, tho' but ſlowly, and heaps up Riches and Proviſions. Some of this new Sovereign's Copper Coin begins already to appear abroad: Some are Crown Pieces, and others Half Crowns. On one Side is Theodore Rex, with a Royal Crown over it, and at the Bottom 1736; and on the other Side are Letters denoting the Value of the Coin, with theſe Words round, *Pro bono publico.*

The Lord Percival, Son to the Earl of Egmont, with ſeveral other Perſons of Diſtinction, are arriv'd in Ireland, and the Hon. Col. Wentworth is return'd to England from thence.

Mr. Daniel Elwood, an eminent Wool-Merchant, dy'd at Dublin laſt Week.

NORFOLK CIRCUIT.

Lord Chief Juſtice Reeve, Lord Chief Baron Reynolds.

Bucks, Monday Auguſt 9, at Buckingham.
Bedford, Thurſday Auguſt 12, at Bedford.
Huntingdon, Saturday Auguſt 14, at Huntingdon.
Cambridge, Monday Auguſt 16, at the Caſtle of Cambridge.
Norfolk, Friday Auguſt 20, at the Caſtle of Norwich.
City of Norwich, the ſame Day at the New-Hall in the ſame City.
Suffolk, Friday Auguſt 27, at St. Edmond's-bury.

Money is order'd to be ſent from the Pay-Office in Broad-ſtreet, to pay off the Companies of his Majeſty's Ships at the ſeveral Ports under-mentioned, viz. Princeſs Amelia at Portſmouth; Deptford, Litchfield, and Warwick, at Plymouth.

The Beginning of laſt Week died, at his Seat in Scotland, the R ght Hon. Alexander Lindſay, Earl of Balcarras; one of the 16 Peers of North Britain. He was the Son of Colin, the third Earl of this Title (whom King James VII. made a Commiſſioner of the Treaſury) by his third and laſt Wife, who was Margaret, Daughter to James Campbel, Earl of Loudon; and he ſucceeded his Father in 1721.

Yeſterday in the Afternoon a Fire broke out, among ſome Workmen's Shavings, at a Houſe that is fitting up in Great Queen-ſtreet near Lincoln's-Inn Fields; but by the timely Aſſiſtance of ſome Engines, was happily extinguiſh'd without doing much Harm.

On Wedneſday laſt John Pritchard was committed to Newgate, by Juſtice Farmer, on the Information of Daniel Shaw, for breaking open the Houſe of Mr. Allen, in the Fields leading to Iſlington, and ſtealing ſeveral Goods of Value.

Laſt Wedneſday the Right Hon. the Earl of Crawford, one of the 16 Peers of Scotland, kiſs'd her Majeſty's Hand at Kenſington, on his being appointed Colonel of his Majeſty's own Regiment of Foot, in the room of the late General Tatton, deceaſed.

On Tueſday laſt died, at Chatham, Ralph Smithſon, Eſq; a young Gentleman juſt come of Age, and to a very plentiful Fortune.

Laſt Wedneſday the Son of Mr. Barber, an Upholſterer in Piccadilly, being at School, and committing ſome Fault for which his Maſter went to correct him, he endeavouring to ſhun the Blow, ran his Breaſt upon a Penknife, which was ſcrew'd to an Inkhorn, with ſuch Violence, that the End of the Knife enter'd his Liver, and Yeſterday he died of the Wound.

Yeſterday Mr. Amos Heyton, an eminent Pawnbroker in St. Martin's Lane, was convicted before Col. De Veil of receiving to pawn ſome Regimental Furniture, belonging to a private Centinel in his Majeſty's firſt Regiment of Foot-Guards, commanded by the Rt. Hon. Sir Charles Wills, and paid the Penalty of five Pounds preſcrib'd by Act of Parliament.

Laſt Wedneſday Night died at his Lodgings in King-ſtreet, Weſtminſter, the Rev. Mr. Jenkins, one of the Readers at Whitehall Chapel.

The Oratory Subjects on Sunday next are peculiarly choſen and remarkable; in the Morning, occult Knowledge of the Book of God: Hear, Philoſopher, or the Beginning of the World; the entire Learning of it; —— in the Evening, the Thundering Legion, Opinions of Larroque, Mr. Moyle, Apollinaris, Euſebius, Tertullian; —— and a publick Diſputation, 'Whether London be now in Danger, as inſiſted on in an 'Hypotheſis offered to Parliament, by a Virtuoſo, on 'a Bible-Text, &c. —— Mr. R. Reſpondent, Mr. H. Opponent. Mr. R. expreſly challenges all Philoſophers and Divines to confute him.

Yeſterday Bank Stock was 149 1-half to 5-8ths. India 179 for the Opening. South Sea 100 for the Opening. Old Annuity 113 5-8ths. New ditto 113 for the Opening. Three per Cent. 105 for the Opening. Emperor's Loan 118 7-8ths. Royal-Aſſurance 110 to 1-half. London-Aſſurance 14 1-half to 5-8ths. African 14 1-half. India Bonds 61. 18s. Prem. Three per Cent. ditto 51. 12s. Prem. South-Sea Bonds 61. Prem. New Bank Circulation 71. 7s. 6d. Prem. Salt Tallies 4 to 6 1-4th Prem. Engliſh Copper 21. 3s. Welſh ditto, no Price. Three 1-half per Cent. Exchequer Orders 61. Prem. Million Bank 115.

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Who is this that darkeneth Counſel by Words without Knowledge. Job xxxviii, 2.
——Indignum! ſcelerato profuit Ara. Ov. Met.
Quo teneam vultus mutantem Protea nodo? Hor.

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This Maſterpiece of religious Policy was publiſhed, many Years ſince, in Latin, French, and Dutch: Mr. John Schipper, a Bookſeller at Amſterdam, bought one of them at Antwerp, among other Books, and afterwards reprinted it. The Jeſuits being informed that he had purchaſed this Book, demanded it back from him; but he had then ſent it to Holland. One of the Society, who lived at Amſterdam, hearing it ſaid, ſoon after, to a Catholick Bookſeller, by Name Van Eyke, that Schipper was printing a Book which concerned the Jeſuits, replied, that if it was only *The Rules of the Society*, he ſhould not be under any Concern; but deſired he would inform himſelf what it was. Being told by the Bookſeller, that it was *The Secret Inſtructions of the Society*, the good Father, ſhrugging up his Shoulders, and knitting his Brow, ſaid, that he ſaw no other Remedy but denying that this Piece came from the Society. The Reverend Fathers howe ver thought it more adviſeable to purchaſe the whole Edition, which they ſoon after did, ſome few Copies excepted; from one of theſe it was afterwards reprinted, with this Account prefixed; which is there ſaid to be taken from two Roman Catholicks, Men of Credit.

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